

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RICHARD WATERHOUSE,

Petitioner,

vs.

No. CIV 11-0685 JB/CG

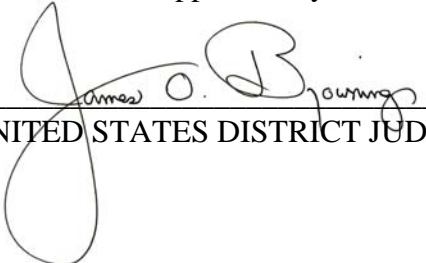
TIMOTHY HATCH, Warden,

Respondent.

ORDER DENYING CERTIFICATE OF APPEALABILITY

THIS MATTER comes before the Court on: (i) the Petitioner's Notice of Appeal, filed June 11, 2012 (Doc. 21); and (ii) the Petitioner's Application for Certificate of Appealability, filed June 11, 2012 (Doc. 22)("Application"). Petitioner Richard Waterhouse appeals from the Order Adopting Magistrate Judge's Proposed Findings and Recommended Disposition, filed May 28, 2012 (Doc. 19), and the Final Judgment, filed May 29, 2012 (Doc. 20), dismissing his Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254, filed August 4, 2011 (Doc. 1). See Notice of Appeal at 1. Because Waterhouse has failed to make a substantial showing of denial of a constitutional right, the Court will deny the Application. See Levin v. Romero, No. 12-2039, 2012 WL 2151491, at *2 (10th Cir. June 14, 2012)(unpublished)("A COA will issue 'only if the applicant has made a substantial showing of the denial of a constitutional right.'")(quoting 28 U.S.C. § 2253(c)(2)).

IT IS ORDERED that the Court the Petitioner's Application for Certificate of Appealability, filed June 11, 2012 (Doc. 22), is denied and no certificate of appealability shall issue.


UNITED STATES DISTRICT JUDGE

Parties and counsel:

Richard Waterhouse
Northeast New Mexico Detention Facility
Clayton, New Mexico

Plaintiff pro se

Gary K. King
Attorney General for the State of New Mexico
Margaret E. McLean
Assistant Attorney General
Santa Fe, New Mexico

Attorneys for the Defendant